



City of Grand Island

Tuesday, March 13, 2012

Council Session

Item G10

#2012-60 - Approving Acquisition of Public Street Right-of-Way in Oak Pointe Subdivision (R.B.O., L.L.C.)

This item relates to the aforementioned Public Hearing item E-4.

Staff Contact: Terry Brown, Public Works Manager of Engineering S

RESOLUTION 2012-60

WHEREAS, public street right-of-way is required by the City of Grand Island, from R.B.O., L.L.C., in the Oak Pointe Subdivision, Hall County, Nebraska and more particularly described as follows:

A TRACT OF LAND COMPRISING A PART OF VACATED STARWOOD AVENUE, A PART OF VACATED CEDAR RIDGE COURT, A PART OF LOT FOUR (4) AND A PART OF LOT NINE (9), ALL LOCATED IN OAK POINTE SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT EIGHT (8), OAK POINTE SUBDIVISION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF VACATED STARWOOD AVENUE; THENCE RUNNING NORTHERLY ON THE WEST LINE OF VACATED STARWOOD AVENUE, A DISTANCE OF SIXTY (60.00) FEET, TO THE NORTHWEST CORNER OF VACATED STARWOOD AVENUE AND THE SOUTHWEST CORNER OF SAID LOT NINE (9); THENCE RUNNING EASTERLY ON THE SOUTH LINE OF SAID LOT NINE (9) AND THE NORTHERLY RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF TWENTY NINE AND TWELVE HUNDREDTHS (29.12) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS SEVENTY (70.00) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND EIGHTY THREE HUNDREDTHS (110.83) FEET, TO A POINT ON THE EAST LINE OF SAID LOT NINE (9) AND TO A POINT ON THE WEST LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE RUNNING NORTHERLY ON THE WEST LINE OF SAID VACATED CEDAR RIDGE COURT AND THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF SEVENTY NINE AND EIGHTEEN HUNDREDTHS (79.18) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION AND TO A POINT ON THE NORTH LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF EIGHTY EIGHT AND SIXTY HUNDREDTHS (88.60) FEET, TO A POINT ON THE NORTH LINE OF SAID LOT FOUR (4) AND THE SOUTH LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE CONTINUING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF FIFTY SEVEN AND SEVENTY SEVEN HUNDREDTHS (57.77) FEET, TO A POINT ON THE WEST LINE OF SAID LOT FOUR (4) AND TO A POINT ON THE EAST LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE RUNNING SOUTHERLY ON THE EAST LINE OF SAID VACATED CEDAR RIDGE COURT AND THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND FORTY HUNDREDTHS (169.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS ONE HUNDRED THIRTY (130.00) FEET, AN ARC DISTANCE OF TWO HUNDRED FIVE AND EIGHTY THREE HUNDREDTHS (205.83) FEET, TO A POINT ON THE SOUTH LINE OF SAID

VACATED STARWOOD AVENUE AND TO A POINT ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF SAID VACATED STARWOOD AVENUE AND THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY EIGHT AND THIRTY SIX HUNDREDTHS (28.36) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.682 ACRES MORE OR LESS.

WHEREAS, an Agreement for the public street right-of-way has been reviewed and approved by the City Legal Department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to enter into the Agreement for the public street right-of-way on the above described tract of land.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreements on behalf of the City of Grand Island.

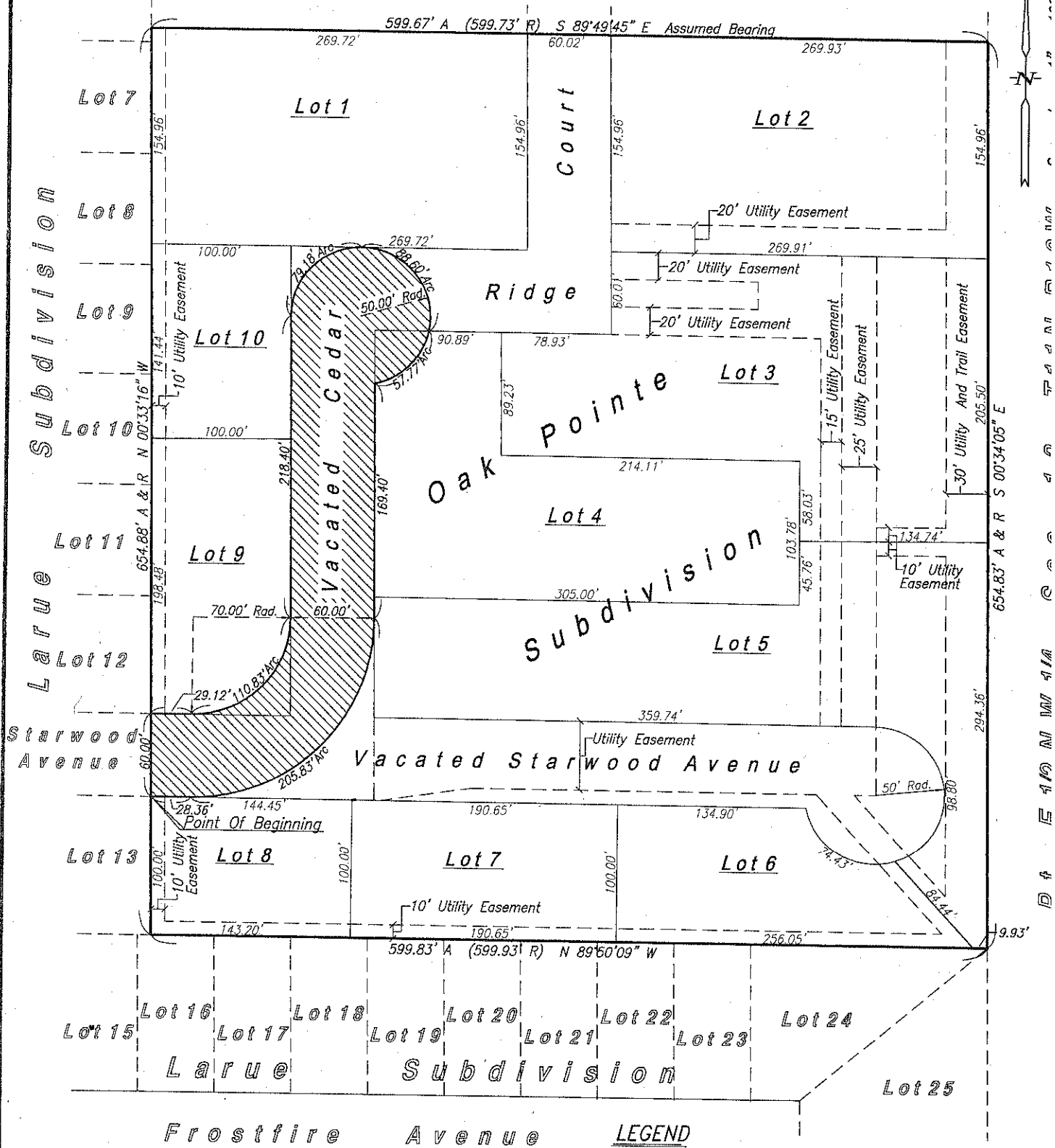
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Adopted by the City Council of the City of Grand Island, Nebraska, March 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



described as follows:

Beginning at the northwest corner of Lot Eight (8), Oak Pointe Subdivision, said point also being the southwest corner of Vacated Starwood Avenue; thence running northerly on the west line of Vacated Starwood Avenue, a distance of Sixty (60.00) feet, to the northwest corner of Vacated Starwood Avenue and the southwest corner of said Lot Nine (9); thence running easterly on the south line of said Lot Nine (9) and the northerly right of way line of Starwood Avenue, a distance of Twenty Nine and Twelve Hundredths (29.12) feet, to a point of curvature; thence running northwesterly on the arc of a curve to the left whose radius is Seventy (70.00) feet, an arc distance of One Hundred Ten and Eighty Three Hundredths (110.83) feet, to a point on the east line of said Lot Nine (9) and to a point on the west line of said Vacated Cedar Ridge Court; thence running northerly on the west line of said Vacated Cedar Ridge Court and the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Two Hundred Eighteen and Forty Hundredths (218.40) feet, to a point of curvature; thence running northeasterly on the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Seventy Nine and Eighteen Hundredths (79.18) feet, to a point on the south line of Lot One (1), Oak Pointe Subdivision and to a point on the north line of said Vacated Cedar Ridge Court; thence continuing southeasterly along the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Eighty Eight and Sixty Hundredths (88.60) feet, to a point on the north line of said Lot Four (4) and the south line of said Vacated Cedar Ridge Court; thence continuing southwesterly on the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Fifty Seven and Seventy Seven Hundredths (57.77) feet, to a point on the west line of said Lot Four (4) and to a point on the east line of said Vacated Cedar Ridge Court; thence running southerly on the east line of said Vacated Cedar Ridge Court and the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Forty Hundredths (169.40) feet, to a point of curvature; thence running southwesterly on the arc of a curve to the right whose radius is One Hundred Thirty (130.00) feet, an arc distance of Two Hundred Five and Eighty Three Hundredths (205.83) feet, to a point on the south line of said Vacated Starwood Avenue and to a point on the north line of Lot Eight (8), Oak Pointe Subdivision; thence running westerly on the south line of said Vacated Starwood Avenue and the north line of Lot Eight (8), Oak Pointe Subdivision, a distance of Twenty Eight and Thirty Six Hundredths (28.36) feet, to the point of beginning and containing 0.682 acres more or less.

PUBLIC STREET RIGHT-OF-WAY

R.B.O., L.L.C., a Nebraska Limited Liability Company, herein called the Grantor, in consideration of ONE DOLLAR (\$1.00) and other consideration, receipt of which is hereby acknowledged, hereby grants and conveys unto the

CITY OF GRAND ISLAND, NEBRASKA,

a municipal corporation in Hall County, State of Nebraska, herein called the Grantee, a permanent and perpetual public street right-of-way to construct, operate, maintain, extend, repair, replace, and remove public utilities, including but not limited to, manholes, pipelines, surface markers, and other appurtenances, upon, over, along, across, in, underneath and through a tract of land comprising a part of Vacated Starwood Avenue, a part of Vacated Cedar Ridge Court, a part of Lot Four (4) and a part of Lot Nine (9), all located in Oak Pointe Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT EIGHT (8), OAK POINTE SUBDIVISION, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF VACATED

STARWOOD AVENUE; THENCE RUNNING NORTHERLY ON THE WEST LINE OF VACATED STARWOOD AVENUE, A DISTANCE OF SIXTY (60.00) FEET, TO THE NORTHWEST CORNER OF VACATED STARWOOD AVENUE AND THE SOUTHWEST CORNER OF SAID LOT NINE (9); THENCE RUNNING EASTERLY ON THE SOUTH LINE OF SAID LOT NINE (9) AND THE NORTHERLY RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF TWENTY NINE AND TWELVE HUNDREDTHS (29.12) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS SEVENTY (70.00) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND EIGHTY THREE HUNDREDTHS (110.83) FEET, TO A POINT ON THE EAST LINE OF SAID LOT NINE (9) AND TO A POINT ON THE WEST LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE RUNNING NORTHERLY ON THE WEST LINE OF SAID VACATED CEDAR RIDGE COURT AND THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF SEVENTY NINE AND EIGHTEEN HUNDREDTHS (79.18) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION AND TO A POINT ON THE NORTH LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF EIGHTY EIGHT AND SIXTY HUNDREDTHS (88.60) FEET, TO A POINT ON THE NORTH LINE OF SAID LOT FOUR (4) AND THE SOUTH LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE CONTINUING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF FIFTY SEVEN AND SEVENTY SEVEN HUNDREDTHS (57.77) FEET, TO A POINT ON THE WEST LINE OF SAID LOT FOUR (4) AND TO A POINT ON THE EAST LINE OF SAID VACATED CEDAR RIDGE COURT; THENCE RUNNING SOUTHERLY ON THE EAST LINE OF SAID VACATED CEDAR RIDGE COURT AND THE WEST LINE OF LOTS FOUR (4) AND FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED SIXTY NINE AND FORTY HUNDREDTHS (169.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS ONE HUNDRED THIRTY (130.00) FEET, AN ARC DISTANCE OF TWO HUNDRED FIVE AND EIGHTY THREE HUNDREDTHS (205.83) FEET, TO A POINT ON THE SOUTH LINE OF SAID VACATED STARWOOD AVENUE AND TO A POINT ON THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH LINE OF SAID VACATED STARWOOD AVENUE AND THE NORTH LINE OF LOT EIGHT (8), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY EIGHT AND THIRTY SIX HUNDREDTHS (28.36) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.682 ACRES MORE OR LESS.

together with the following rights, namely, unrestricted ingress and egress under, over, and across such land for the purpose of exercising the rights herein granted, and the right to clear and keep clear

of trees, roots, brush, hedges, undergrowth, and other obstructions from the surface of such tracts interfering with the location, construction, inspection, repair, replacement, removal, and maintenance of such public street right-of-way. Any such public street right-of-way and appurtenances placed upon, over, and under such tracts of land shall remain the property of the Grantee and may be removed or replaced at any time.

The Grantors, for themselves, their heirs, executors, administrators, successors, and assigns, hereby covenant that no buildings, fences, or structures shall be erected or permitted on said tract and that the public street right-of-way herein granted shall run with the title to such tract of land and be binding upon the Grantors, their successors and assigns.

DATED: _____, 2012

GRANTOR:

R.B.O., L.L.C.,
A Nebraska Limited Liability Company

BY _____
Ryan B. O'Connor, Managing Member

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On this ____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RYAN B. O'CONNOR, MANAGING MEMBER, to me known to be the identical person who signed the foregoing Public Utilities Easement and acknowledges the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.

Notary Public